

COBY MACALUSO,  
Plaintiff,  
v.

## STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND BRIEFING SCHEDULE

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,  
Defendant.

1 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security  
2 (the "Commissioner"), shall have an extension of 10 days to respond to Plaintiff's Motion for Summary  
3 Judgment in this case. In support of this request, the Commissioner respectfully states as follows:

4 1. The Commissioner's response to Plaintiff's Motion for Summary Judgment is due  
5 December 6, 2023. This is Defendant's second request for an extension of this deadline.

6 2. Counsel for the Commissioner has referred to this matter to his client regarding the  
7 defensibility of this case. Due to the Thanksgiving holiday, Counsel for the Commissioner is still  
8 awaiting a response regarding this case from his client. Counsel for the Commissioner will be out of the  
9 office when his client is expected to respond and this brief 10 day extension would properly allow  
10 Counsel for the Commissioner to explore settlement. Counsel for the Commissioner believes that this  
11 short extension may resolve this matter without necessitating this Court to address the merits of this  
12 matter. Moreover, this brief extension would conserve judicial time and resources should the Parties be  
13 able to resolve this matter.

14 3. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that he  
15 has no objections.

16 4. This request is made in good faith and is not intended to unnecessarily delay the  
17 proceedings in this matter.

18 WHEREFORE, Defendant requests until December 16, 2023, respond to Plaintiff's Motion for  
19 Summary Judgment.

20 Date: December 12, 2023

LAW OFFICES OF FRANCESCO BENAVIDES

21 By: /s/ Caspar Chan for Francesco Benavides \*  
22 FRANCESCO BENAVIDES

23 \*Authorized by email on December 12, 2023  
Attorneys for Plaintiff

24 Date: December 12, 2023

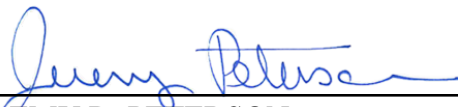
25 PHILIP A. TALBERT  
United States Attorney  
Eastern District of California

26 By: /s/ Caspar Chan  
27 CASPAR CHAN  
28 Special Assistant United States Attorney  
Attorneys for Defendant

ORDER

IT IS SO ORDERED.

Dated: December 12, 2023

  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE